

HIGHLIGHTS FROM THE 1992 REPORT
THE IMPLEMENTATION REPORT
STREAMLINING MONTGOMERY COUNTY'S
DEVELOPMENT AUTHORIZATION PROCESS

April 3, 2001

In the early 1990's, the County Council, County Executive and the Planning Board were concerned that the development authorization process (DAP) had become too time consuming, lacked predictability and there was too much duplication of review responsibility between agencies. To address these issues, the County Council established a high level, inter-departmental committee to address the DAP problems. This Committee, composed of several key department heads, was charged with the task of finding ways to streamline the development authorization process (DAP) which was found to be very complex and very time consuming for applicants and others involved in the DAP. The Council also noted that the process did contribute to the quality of life enjoyed by County citizens, so they wanted assurances that the high quality of review associated with the DAP would be maintained. The "Steering Committee's" recommendations are contained in the report entitled, The Implementation Report-Streamlining Montgomery County's Development Authorization Process.

The Steering Committee consisted of the following persons:

Richard Cheney, WSSC
Stephen B. Farber (Observer) Montgomery County Council
Edward U. Graham, DEP (Now MCDPS), Co-Chair
Robert W. Marriott, Jr., M-NCPPC, Co-Chair
Graham J. Norton, DOT (Now MCDPW&T)

The 1992 Implementation Report was organized around ten recommendations designed to improve the DAP by streamlining the review where appropriate and by identifying specific areas where interagency cooperation could result in an improved and more efficient review process for both applicants and the reviewing agencies. The ten recommendations are identified as follows and are discussed in detail in the attached copy of the Implementation Report.

1. Recommendation A- Clear Assignment of Responsibilities
2. Recommendation B- Clear, Current and Consistent Published Development Standards, Guidelines and Submission Requirements

3. Recommendation C- Successive Review Process Design
4. Recommendation D- Concurrent Reviews Where Feasible
5. Recommendation E- Procedural Changes to Promote Effectiveness and Efficiency
6. Recommendation F- Certainty of Review Times
7. Recommendation G- Effective System for Resolving Conflicts
8. Recommendation H- Efficient Means to Assimilate, Track and Share DAP-Related Information
9. Recommendation I- An Ongoing Framework and effort to Maintain an Efficient System
10. Recommendation J- Self-Supporting Fee Structure

Implementation of the ten DAP recommendations has led to an improved process in several ways, as described below:

1. Clear assignment of responsibilities led to the delineation of “lead agency” responsibilities (See pages 3-12 of the Implementation Report). The lead agency delineations have served to eliminate unnecessary duplication of responsibilities between agencies. It has also been used to prevent conflicts between agencies because clear lines of responsibilities have been established for resolving issues.
2. The various departments/agencies revised application forms, checklists and submission requirements to clearly state what information, data and studies must be submitted with an application in order for the application to be complete for processing. This has added more certainty to the process because applicants and engineers know up-front what is expected of them. This also addressed a major problem where a majority of applications submitted for review were incomplete. Today, incomplete applications are not accepted for review.
3. Staff has found ways to streamline the process by encouraging the concurrent review of plans, where appropriate. For example, an applicant may choose to submit preliminary plan and site plan applications for a site at the same time so that they can be reviewed concurrently. Also, MCDPS and the Bureau of fire Prevention have cooperated to allow the concurrent processing of building code and fire code related permits.
4. Certain procedural changes were implemented to improve process efficiency. An example of an efficiency improvement is the procedure for enacting a comprehensive revision to the

Ten Year Sewer and Water Plan for a planning area after a new master plan is approved. This is a significant improvement over the prior process of changing service categories for individual properties based on applications submitted by landowners.

5. A significant change involving the DRC was the policy of setting the Planning Board public hearing date at the DRC meeting if all issues could be resolved in quick order. This provides more certainty and predictability to the DAP.
6. An effective DAP also assures that issues can be resolved in a timely manner by the appropriate agencies involved. When an issue is identified, the lead agency takes responsibility for resolving the issue. Where there is a conflict between lead agencies, the "packager" (Development Review Division reviewer) attempts to mediate the issue and seek a mutually agreeable solution for the agencies involved. Agencies take the initiative to make sure that issues are addressed and any conflicts between reviewing agencies are resolved. The applicant should not have the burden to resolve issues between different public agencies.
7. The Steering Committee realized the importance of having an automated, information management system to record data, report results of plan reviews and to track the status of applications through the DAP. The MCDPS and M-NCPPC Hansen computer systems are a direct result of this recognition of the need for improved systems for managing the DAP.

The Steering Committee continued to meet for several years tracking the progress that was made in achieving the recommendations set forth in 1992. However, it has been about five years since the Steering Committee last met. During this time, all of the Steering Committee members, except one, have left their positions. New directors may not be aware of the DAP recommendations. More importantly, there have been many staffing changes, reorganizations, and procedural changes such that the "DAP ethic" is not current in all agencies/departments. Discussions with staff of the various agencies has resulted in recognition that there needs to be an updating of the Implementation Report to accurately reflect current process and procedures.

During the last several months, staff has held a series of meetings involving plan review staff of the Department of Park and Planning, the inter-agency Development Review Committee (DRC) and the Community Based Planning Division team leaders to review the important recommendations made by the Steering Committee. A meeting of the current department heads for a reconstituted Steering Committee is being set for early May. It is hoped that renewed interest in the Implementation Report recommendations will result in a new emphasis to streamline and improve the DAP.

Attachment

The Implementation Report

Streamlining Montgomery County's Development Authorization Process

THE IMPLEMENTATION REPORT

STREAMLINING MONTGOMERY COUNTY'S DEVELOPMENT AUTHORIZATION PROCESS

Introduction

Montgomery County's development authorization process (DAP) has long been the subject of much discussion and debate. The process can be long and is admittedly quite complex. At the same time, the process has been recognized as playing a major role in contributing to the quality of life enjoyed by Montgomery County residents and businesses.

In recent years the combination of new requirements and the economic recession have focused even more attention on the DAP. Earlier this year the County Council, County Executive and Planning Board all agreed that it was timely to review this process with a goal of reducing the time required to obtain approvals while maintaining other public objectives such as compatibility of development, environmental protection, provision of public amenities and adequacy of public facilities (see Appendix A for Council resolution and Executive and Planning Board statements). For the purposes of this review, the process is defined as the period of time between submittal of a preliminary plan of subdivision and issuance of a building permit.

An interagency Steering Committee was formed to guide this assessment. Its members represent the Maryland-National Capital Park and Planning Commission Planning Department (M-NCPPEC), the County Departments of Environmental Protection (MCDEP) and Transportation (MCDOT), and the Washington Suburban Sanitary Commission (WSSC). County Council staff and the Office of Legislative Oversight (OLO) have also participated in several of the discussions and worksessions involved in the preparation of this report.

The Steering Committee's first product was a "Policy Level Report" released on April 15, 1992. The Policy Level Report identified problems which inhibit streamlined development approvals and made ten recommendations for improving the development authorization process. The first twelve pages of the Policy Level Report and Appendix A from that report (Jurisdiction and Responsibilities in the Development Process) are included in this report as Appendix B.

This Implementation Report is organized around the ten recommendations from the Policy Level Report. The Steering Committee has focused most of its efforts on Recommendation A - Clear Assignment of Responsibilities, Recommendation C - Successive Review Process Design, and Recommendation F - Certainty of Review Times. The Committee believes that Recommendations "A"

and "C" are the most critical for addressing the current obstacles to a streamlined DAP. Recommendation "F" proposes the implementation of Recommendations "A" and "C". Many of the other recommendations are related to these two and some of the others, such as development of guidelines and submission requirements, require resolution of these two first.

The Steering Committee believes that significant progress has been made on all ten recommendations, and in particular on "A", "C", and "F". However, this Report is only the beginning of the implementation phase. While the Report discusses possible solutions, there are some areas where specific details were not finalized, pending review of the general proposal and further discussion with the development community and citizen groups. If the findings and recommendations of this Report are accepted, the Committee will continue to develop the concepts outlined herein and will begin to implement the suggested changes. Although much has been accomplished, much remains to be done.

Recommendation A. Clear Assignment of Responsibilities

One issue emphasized in the Policy Level Report was the need for unambiguous assignment of responsibilities among agencies. This recommendation covers two basic issues. The first is that of potential duplication between agencies; the second concerns the designation of lead agencies when reviews are shared.

As part of assessing the duplication issue in July 1992, each agency prepared a description of its role in the DAP (see Appendix C). After reviewing this information, the Steering Committee concludes that the current roles played by the various agencies are beneficial and should be continued. Although there is some overlap of responsibilities in a few areas, the Committee believes that minimal overlap is necessary to ensure consistency in moving from master and functional plans to the regulatory review stage to construction. However, the Committee does recognize the need to establish a lead agency for each functional area in order to eliminate confusion and to reduce delay. The designation of lead agencies will also reduce the potential for duplication between agencies.

The need for a lead agency is most apparent in situations where there is disagreement between agencies. Normally, inter-agency issues will be resolved through negotiation, particularly with increased use of ~~team reviews~~. If the agencies cannot come to agreement, however, it is important that one agency be in a position to "call it."

The lead agency is responsible for reviewing and approving certain activities, including coordinating comments with other agencies and resolving conflicts. The designation of a lead agency does not mean that other agencies will lose their opportunity for input. It does mean, however, that comments from other agencies must be directed to the lead agency rather than to the applicant. As a result, the applicant will no longer be faced with potentially conflicting requests from different agencies. The burden for resolving inter-agency conflicts is shifted from the applicant to the government.

Steering Committee members spent a great deal of time in "one-on-one" discussions before finally coming to agreement on lead agency designations and responsibilities. These discussions were quite frank and involved many turf issues. The Committee finds this agreement to be a significant accomplishment that should result in major improvements in the DAP. The lead agency responsibilities are shown in Tables 1 - 3 (pages 4 - 6 of this report) and are discussed on the following pages.

Table 1

LEAD AGENCY DESIGNATIONS		
Environmental Reviews		
	M-NCPPC	MCDEP
1. Stormwater Management		L
2. Sediment Control		L
3. Floodplains		L
4. Stream Buffers	L	
5. Steep Slopes	L	
6. Wetlands		L
7. Forest conservation	L	
8. Noise	L	

While the designation of lead agencies will significantly affect the staff review process, it will not change the public review process through the Planning Board. If the Planning Board, after hearing public testimony, believes that a particular recommendation is not workable, it may decline to approve the plan and return it to the appropriate lead agency for modification. The importance of an independent, citizen member planning commission overseeing the review process cannot be overstated. This arrangement also provides ample opportunity for public participation. At the same time, the Planning Board recognizes that approved plans must be consistent with the requirements of permitting agencies in order to be implementable.

As Planning Board staff, the Planning Department will continue to be responsible for packaging preliminary plan and site plan reviews and preparing recommended conditions of approval. These recommendations will be consistent with the Planning Department's responsibility for overall site layout and design and will reflect the lead agency recommendations for the various functional responsibilities discussed below.

Table 2

LEAD AGENCY DESIGNATIONS Non-APF Transportation Reviews		
	M-NCPPC	MCDOT
1. Overall Site Layout and Design	L	
2. Street Classifications	L	
3. Design Speed, Construction Standards and Cross Sections		L
4. Access Points and intersections		L
5. Speed Mitigation Measures		L
6. Street Interconnections with Adjacent Properties	L	
7. R-O-W Dedications	L	
8. Slope Easements for Highways		L
9. Length of cul-de-sacs	L	
10. Sidewalks, bikeways, transit stops and shelters, entry gates, noise-walls, streetscape, street furniture, lighting, etc. in R-O-W		L
11. Pedestrian paths, bikeways, access to transit, lighting, noise walls, parking garages, etc. not in R-O-W.	L	
12. Truck routes through parking and loading docks.		L
13. Curb parking and vehicle stacking		L
14. Crosswalks and under/overpasses		L
15. Driveways and garages	L	
* Where State highways are involved, SHA would be the lead agency in lieu of MCDOT.		

Table 3

LEAD AGENCY DESIGNATIONS APF Transportation Reviews		
	M-NCPPC	MCDOT
1. Determine staging ceiling for the area (AGP)	L	
2. Determine need for a Local Area Transportation Review (LATR)	L	
3. Review Trip Assignments	L	
4. Inform developer of background/pipeline (Approved but not Built)	L	
5. Determine which intersections to evaluate	L	
6. What are existing traffic counts	L	
7. Review trip generation	L	
8. Review traffic study - 3 parts:		
• For completeness	L	
• Actual Review of the study	L	
• Operational feasibility and solutions		L
9. Determine if developer-suggested recommended improvements are technically feasible (MCDOT has final word on technical feasibility)		L
10. Coordinate existing CIP road/transportation projects (ARP) with proposed development	L	L
11. Traffic mitigation proposals (planning and negotiating)		L
12. Traffic mitigation proposals (operational and technical)		
<hr/> * Where State highways are involved, SHA would be the lead agency in lieu of MCDOT.		

1. ENVIRONMENTAL ISSUES

The clear delineation of agency responsibilities in the areas of stormwater management, sediment control, floodplains, and nontidal wetlands has been identified as a need by the development community. Frustration has been expressed due to ambiguous roles, overlap of responsibilities, conflicts in requirements, and lack of predictability in the review process. All these have contributed to the necessity of identifying a "lead agency" in each of the areas of water resources management as a major part of the implementation process.

The Department of Environmental Protection, Division of Water Resources Management (DEP-DWRM) and the Maryland-National Capital Park and Planning Commission, Environmental Planning Division (MNCPPC-EPD) are the two principal agencies with direct involvement in stormwater management, sediment control, floodplain, and nontidal wetlands reviews and approvals. Each agency is interested in the protection of natural resources in accordance with their respective mandates while striving to improve the quality, responsiveness, and efficiency of the development authorization process.

The agency responsibilities in the development process can be linked to their respective roles. DEP-DWRM has a regulatory permitting and protection role while the MNCPPC-EPD has a planning, resource identification, ~~and protection~~ role. These roles have been discussed in detail by both agencies to help establish the following recommendations for clear assignment of responsibilities.

In the development authorization process, DEP-DWRM will be the lead agency for stormwater management, sediment control, floodplain management, and nontidal wetlands identification and permitting (pending state delegation). MNCPPC-EPD will be the lead agency in implementing its environmental guidelines for protection of stream buffers, steep slopes, and other environmentally sensitive areas identified in the guidelines, and for implementing and enforcing regulations regarding forest conservation. These guidelines are entitled "Environmental Management in Montgomery County, Maryland" (December, 1991), and are periodically updated and amended by the Planning Board.

MCDEP's lead agency (permitting) responsibilities recognize the role of the Planning Board in implementation of the Subdivision Regulations and Zoning Ordinance. In particular, the Planning Board must find through approval of the preliminary plan and site plan that site layout options for avoidance or minimization of disruption to environmentally sensitive areas have been satisfactorily considered. Avoidance (preservation) or minimization are the primary methods of protection of environmentally sensitive areas identified in the guidelines for "Environmental Management in Montgomery County", and in master and functional plans. These areas include but are not limited to wetlands,

floodplains, springs, seeps, steep slopes, and rare, threatened, and/or endangered species. The issuance of any necessary permits for proposed disruption in these areas would occur only after Planning Board approval of the preliminary plan and site plan, if required.

DEP-DWRM will be responsible for the final approval of the stormwater management concept plans and stormwater waivers requests. MNCPPC-EPD will comment on all waiver requests through an administrative referral process. The concept plans required by DEP-DWRM will identify the needed stormwater controls for the site while considering upstream and downstream impacts, and other environmental constraints such as nontidal wetlands, forests, and stream quality. An appropriate stormwater management strategy will be identified to control the quantity and quality of runoff with the goal of protecting the overall watershed integrity using watershed plans where they are available. Final detailed stormwater plans will be approved by DEP-DWRM to ensure compliance with all design criteria and regulatory requirements. MNCPPC-EPD will continue to provide comments and coordinate with DEP-DWRM to ensure that projects are consistent with the environmental goals of the General Plan, functional plans, and master plans, and that there are no conflicts in areas where MNCPPC-EPD has the lead.

DEP-DWRM will also be responsible for the final approval of sediment control plans. This will include approval of the design details such as the size and type of sediment basins, location of traps, and specific devices used. Close coordination with MNCPPC-EPD will be needed to ensure that sediment control plans and forest conservation plans are consistent with one another, and that specific references to best management practices in master, functional, and sector plans are considered.

Both agencies have a specific mandated role in the area of floodplain management. DEP-DWRM will review, approve, and permit all floodplain district activities including mitigation plans when necessary. Where an accurate floodplain delineation does not exist, DEP-DWRM will require and review a floodplain study to define the 100-year floodplain limits. MNCPPC-EPD floodplain protection functions will also continue, but are focused on developing watershed floodplain studies and restricting new development from occurring within floodplains in its review of preliminary and site plans and by using conservation easements and building restriction lines. Any updates to the County's floodplain maps will be closely coordinated by both agencies so that the maps are kept current.

DEP-DWRM does not currently have nontidal wetlands permitting authority, but intends to seek the necessary delegation from the State next year. The purpose of local delegation is to expedite reviews and to identify wetlands issues early in the process, thus avoiding later delays and costs due to extended reviews or site redesigns. Wetlands will then be considered concurrently with other considerations and constraints in the

plan review process. Another alternative to achieve these purposes is county funding of a dedicated position on the state staff, whose primary function would be to address wetland issues of importance to Montgomery County. WSSC has used a similar approach for waterway construction and forest conservation permits with great success, assuring both timely and objective review and approval.

MNCPPC-EPD will continue to review plans for new development to ensure that the overall site design, including lot layout, internal roadway alignments, utility locations, recreational facilities and other ancillary features responds positively to the preferred approach to avoid or minimize wetland disturbance. MNCPPC-EPD will seek to develop comprehensive wetland management plans as part of an ongoing program integrated with master plan preparation. The combined effect of early identification of potential wetland issues in master plans and development review, and a local permit process that is more responsive than state or federal programs, will help to prevent avoidable impacts, delays, costs, and conflicts between development and wetlands goals.

MNCPPC-EPD will be the lead agency for its role in the implementation of environmental guidelines related to stream valley buffers, steep slopes, and other environmentally sensitive areas identified in the guidelines, the implementation of master and functional plan recommendations not under the purview of another lead agency, and ~~the implementation of the new forest conservation requirements.~~ A person must submit to the MNCPPC-EPD a forest stand delineation and forest conservation plan for regulatory review and approval. A forest stand delineation identifies the character of existing forest resources, and prioritizes them according to their value. A forest conservation plan is intended to govern conservation, maintenance, and any afforestation or reforestation requirements applicable to the site.

MNCPPC-EPD will also be the lead agency for natural resource inventory, identification, protection, and prioritization of environmental resources conducted as part of developing a master plan, functional master plan, or technical watershed study. The goal is to provide a detailed inventory of environmental parameters, including but not limited to floodplains, nontidal wetlands, forests, streams, buffers, steep slopes, etc., and to balance these parameters with the development goals of the plan. The desire to achieve other policy objectives (e.g., housing, employment, transportation, etc.) inherent in the master plan process may result in the need for more stringent and cohesive environmental protection than normally required, in order to offset the environmental effects of more intense development. The proper blending of resource protection, best management practices, and minimization of the effects of development through selection of appropriate land uses and densities is an integral part of the master plan process. These efforts ultimately contribute to greater success in the achievement of environmental objectives in the development authorization process.

The designation of water and sewer service areas is a function of the Comprehensive Water Supply and Sewerage Systems Plan (Ten Year Plan). The water and sewer service designations are a mapping of the availability and priority of service to properties within the County. These maps are a part of the Ten Year Plan. As such, DEP-DWRM is the lead agency responsible for coordinating changes to water and sewer service area designations and responsible for the administration of the Ten Year Plan. Under the proposed changes to the water and sewer service category change process (see Recommendation "E"), M-NCPPC will continue to be the lead agency for developing land use recommendations and staging priorities during the master plan process. Information from WSSC on the technical, economic, and environmental feasibility and life cycle costs of alternative methods of providing water and sewer service shall be considered in the master plan process. Using this information, DEP-DWRM will develop a draft amendment to water and sewer service designations for the master plan areas in conformance with the proposed land use, staging and Ten Year Plan policies. These draft designations will be sent to all coordinating agencies for discussion during the master plan process, but will not be approved as part of the master plan. Once the master plan is adopted by the County Council, the County Executive will submit the new comprehensive water and sewer service designations to the Council for consideration as an amendment to the Comprehensive Water Supply and Sewerage Systems Plan. This sequential action is important since the Ten Year Plan is a functional plan that must follow the guidance provided in the master plan.

For category change requests for parcels outside of areas where master plans are being updated, the Committee supports WSSC's proposal for a more rigorous analysis of potential environmental, economic, engineering, and community impact issues up front prior to approval of a category change. In this manner, lengthy delays can be averted later in the process. WSSC's proposal to address this issue is Appendix D of this report.

2. TRANSPORTATION ISSUES

The Policy Level Report also identified the need for a clear delineation of agency responsibilities in the areas of on-site and adequate public facilities-related transportation reviews. Many of the same problems described in the environmental section apply to the transportation arena as well.

The Department of Transportation, Division of Transportation Engineering, Division of Traffic Engineering, and Office of Planning and Project Development, and the Maryland-National Capital Park and Planning Commission, Transportation Planning Division are the two principle agencies involved in transportation reviews. Each agency is interested in the development of an

adequate, safe and efficient transportation system while attempting to improve the quality, responsiveness and efficiency of the DAP.

As with the environmental issues, the agency responsibilities in the development process are linked to their respective roles. MCDOT has a regulatory permitting role while M-NCPPC has a planning and adequate public facilities (APF) determination role. After a number of discussions, the agencies have agreed on the following recommendations for clear assignment of responsibilities:

M-NCPPC will be the lead agency for most aspects of the APF review, including determination of when a traffic study is required, trip generation and assignments, background traffic, intersections to evaluate, traffic counts, completeness of study, and conformity with Annual Growth Policy and Subdivision Ordinance requirements. The traffic study will identify improvements necessary for an application to pass the APF test.

MCDOT will comment on the traffic study through an administrative referral process. MCDOT will be the lead agency for determining whether the proposed improvements are feasible from an engineering, constructability and operational perspective. MCDOT is also responsible ~~for coordinating CIP projects with~~ proposed development.

For on-site transportation reviews, the lead agency delineation essentially follows a planning/engineering distinction. For example, M-NCPPC is responsible for overall site layout including street classifications, interconnections with adjacent properties, right-of-way (ROW) dedications, length of cul-de-sacs, and issues associated with paths, bikeways, lighting, noise walls, etc. that are located outside of the ROW.

MCDOT is the lead agency for design speed, construction standards, cross-sections, intersection locations, speed mitigation measures, slope easements, routing trucks through parking lots, curb parking and vehicle stacking, crosswalks and under/overpasses and issues associated with sidewalks, bikeways, transit stops, noise walls, streetscape, lighting, etc. that are located within the ROW.

MCDOT will also be the lead agency for addressing storm drain issues within a public right-of-way. This requires coordination with MCDEP and M-NCPPC. The agencies have agreed that there is a need to develop additional guidelines for consideration of environmentally sensitive areas in the preparation of storm drainage plans.

3. ZONING ISSUES

With regard to interpretations of zoning regulations, MCDEP will be the lead agency for resolving interpretive issues as part of their building permit review authority. For interpretation of those zoning regulations and procedures applicable to development plan, project plan and site plan approvals (Article 59-D of the Zoning Ordinance), M-NCPPC will be the lead agency. This is basically how interpretations presently occur. Where there is a disagreement between the agencies concerning interpretation of a zoning standard, the legislative intent of the regulation should be ascertained in cooperation with staff of the County Council and the County Attorney. A formal interpretation should then be prepared by MCDEP and distributed to other agencies with copies made available to the public.

4. CONCLUSION

Perhaps the best way to summarize the lead agency responsibilities is with several examples. The purpose of the lead agency is to make the final determination in its particular functional area. For example, DEP is the lead agency for both stormwater management and wetlands. If there was a conflict between the location of a stormwater management pond and the preservation of an area of wetlands on a particular development proposal, DEP and M-NCPPC would evaluate the situation and discuss alternatives, but the final decision as to which takes precedence on the plan presented to the Planning Board would be up to DEP.

On the other hand, if the conflict was between the location of a stormwater management pond and a proposed highway, the situation would change because two different lead agencies are responsible for the competing priorities. In this case, M-NCPPC, in its role as overall packager, would determine which function took precedence. If it became necessary to identify a new stormwater management location, M-NCPPC would ask DEP, as the lead agency for that function, to do so.

The Steering Committee believes that the delineation of these lead agency responsibilities will be a significant step in eliminating confusion and delay in the DAP.

Recommendation B. Clear, Current and Consistent Published Development Standards, Guidelines and Submission Requirements

Staff has compiled a list of the present standards, guidelines and submission requirements for the various plan application processes involved in the DAP. The Committee has not yet focused specific attention to consolidating and updating the materials because the assignment of agency responsibilities and changes to the successive review process must first be resolved. Once these decisions have been finalized, development manuals and flow charts will be prepared to document the entire process.

Independently, some of the agencies/departments have been working toward consolidating and updating their submission requirements and guidelines. The Planning Board has approved guidelines entitled the "Environmental Management of Development in Montgomery County, Maryland." This consolidated a number of different environmental guidelines (i.e., steep slope, stream buffer, floodplain, wetlands guidelines, etc.) that had been enacted over the last ten years. On Thursday, September 10, 1992, the County Council approved Planning Board regulations for implementing the Montgomery County Forest Conservation Law. On September 24, 1992, the Planning Board held a public hearing on proposed traffic mitigation guidelines to facilitate the submission and review of ~~traffic mitigation programs and agreements~~. As part of the Planning Department's approved work program for this fiscal year, site plan guidelines are to be developed for approval by the Planning Board.

The DEP-DWRM has contracted the Council of Governments to prepare a comprehensive stormwater management specification and design manual in response to this recommendation. This manual will be a comprehensive document that will guide developers, engineers, and citizens through all phases of the stormwater management process. The manual should be in a final draft form by the spring of 1993. Additionally, the Maryland Department of the Environment has completed its final draft of the statewide standards for sediment and erosion control. These new standards may reduce the need to identify extraordinary control measures in the master plan process, and should be ready for distribution soon.

Clear, current and consistent standards, guidelines and submission requirements are essential if the time lines for governmental review shown in Recommendation "F" are to be accomplished. The Committee strongly believes that the submission of complete plans is an important element for the timely review of development projects.

Recommendation C. Successive Review Process Design

The April "Policy Level Report" stated that the existing sequential review process has attracted criticism because decisions made early in the development approval process (DAP) can be contradicted or changed at later phases resulting in time delays and additional planning costs for project applicants. Such changes occurring later in the process arise from conflicts between public agencies based on differing agency priorities and goals. The "Policy Level Report" recommended that a progressive, "funnel" review process should be designed and implemented so that each subsequent plan review narrows the issues that need to be resolved.

The Committee has evaluated the present DAP in light of sequential review issues and has identified two alternative approaches for addressing these concerns. The first involves relatively minor changes to the current process. The second introduces the concept of combining preliminary plan and site plan into a single review.

1. OPTION I: EXISTING PROCESS MODIFIED

The present preliminary plan and site plan review and approval procedures represent two important phases in the overall County DAP. These sequential plan approval processes require separate staff reviews, separate Planning Board public hearings and separate Planning Board decisions. The preliminary plan process includes the submission of a development plan which focuses on basic development concepts with moderate engineering of a site. Until recently, there was little constraint definition early in the process unless an applicant chose to submit a pre-preliminary plan to address a particular issue or problem.

A recent change which has required limited constraint definition early in the preliminary plan process has been the adoption of State and County forest conservation legislation. Implementation of this legislation requires the submission of a natural resources inventory/forest stand delineation (NRI/FSD) early in the process before submission of a forest conservation plan.

The subsequent site plan phase of the process involves more complete engineering of a site with the approval of detailed site design. After a site plan is approved, a signature set of the final site plan is submitted for staff approval which adheres to approval conditions and an enforcement agreement required by the Planning Board.

Site plan review procedures were established to provide public control over the greater flexibility and creativity provided to applicants by the floating zones and the optional methods of development in euclidean zones (e.g., cluster, MPDU, and TDR options). Site plan review procedures are intended to assure that a proposed development project meets the stated purposes and

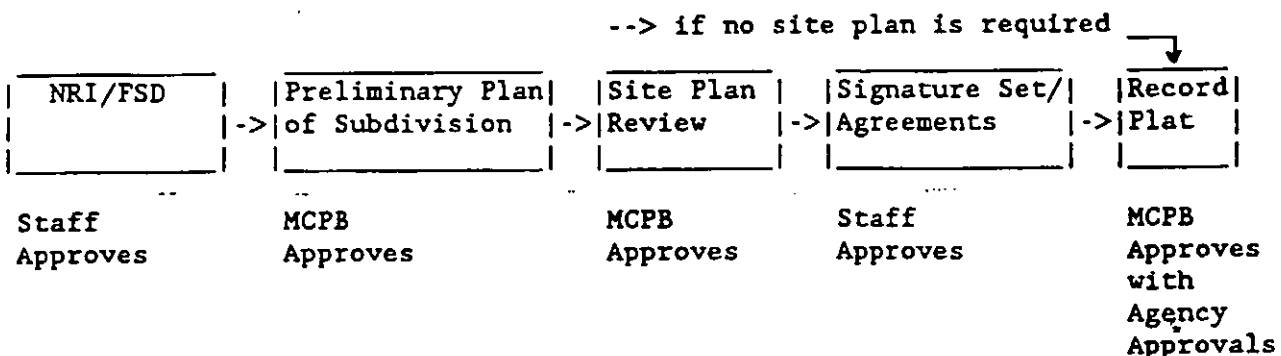
standards of the zone; provides adequate, safe, and efficient vehicular and pedestrian circulation; protects and preserves natural features; and is compatible with adjacent properties through appropriate siting of structures, open space, and landscaping.

The subdivision and site plan phases are followed by the approval and recordation of a record plat which encompasses conditions and requirements of both the subdivision and site plan approvals. The record plat completes the subdivision process. The ensuing phases of DAP involve several permit reviews and approvals prior to initiation of construction.

It is important to note that not all development is subject to site plan approval. A site plan is required only in those zones which specifically specify that a Division 59-D-3 site plan is required prior to the issuance of a building permit or where an optional method of development is proposed in a euclidean zone. For development where a site plan is not required, detailed engineering occurs as part of the record plat, sediment control permit, and building permit phases of the DAP. There is no detailed compatibility review of site design and building layout in non-site plan development.

The subdivision and site plan phases of the DAP both require multi-agency reviews of plans before they are submitted to the Planning Board. ~~Both processes have grown to be~~ quite complex with resolution of many regulatory issues prior to Planning Board review of the plans.

The existing process can be diagrammed as follows:



The growing complexity of the existing process has been a matter of concern to both the private and public sectors. Sequential approvals of certain detailed engineering and design issues reviewed at site plan, or as part of subsequent permit reviews, has sometimes resulted in significant changes in the approved preliminary plan of subdivision. Such changes can lead to project delays; increased project costs; questions concerning the consistency of agency reviews; and conflicts between agencies. One line of argument suggests that under the present sequential process, some site plan issues which affect the final

plan of development should be identified and resolved earlier in the process. On the other hand, earlier decisions on certain issues could unnecessarily limit design and flexibility needed at site plan. Also, changes may occur later in the DAP, after site plan and record plat approval, as a result of environmental or other permitting reviews by local, state, or federal agencies. These problems have created a sense of uncertainty and unpredictability in the subdivision and site plan processes which are valid concerns that need to be addressed.

An important administrative change in the present process that can help to implement the "funnel" concept would be to provide additional input regarding site plan issues at the preliminary subdivision plan phase of the process in order to identify and resolve these issues earlier in the process, prior to preliminary plan approval. This change, which the Planning Department is now implementing, responds to the criticism by developers and other County agencies that, too often, preliminary plan approvals are changed during site plan review, or during subsequent permit processing. Earlier identification of site plan concerns will help to implement a "progressive funnel" review process where each subsequent review narrows the issues. It is important that decisions made earlier in the process are not changed at later stages, except under extraordinary circumstances. The Committee believes that implementation of the "funnel" concept will require a commitment by all involved in the DAP to honor decisions reached earlier in the process, including the permitting agencies.

The Committee believes, however, that minor changes to the current process will not solve all of the concerns identified earlier. Even with these changes, staff will still be in the position of reacting to an applicant's proposal rather than helping to identify the parameters upon which the design should be based. Also, as long as there is a two-step preliminary and site plan process, there will be the potential for new issues to be raised or previous decisions questioned during the second review. For these reasons the Committee has developed a second alternative that involves more significant changes to the current process. It features early agreement between agency staffs and applicants on constraints and issues and the combination of preliminary plan and site plan into one step.

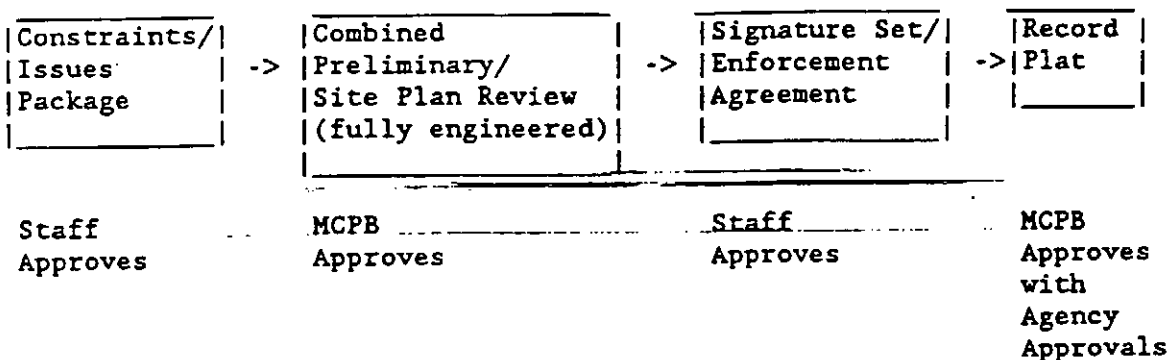
2. OPTION II: A SINGLE, COMBINED PRELIMINARY/SITE PLAN PROCESS

An alternative to the present sequential review that would combine the present preliminary plan and site plan into one plan submission, reviewed in a single process, is recommended by the Steering Committee. Under this option, a constraints/issues package would be submitted, for staff review only, prior to the plan submission. The purpose of the constraints analysis is to identify site constraints and major issues which the applicant should take into consideration in the subsequent plan design.

The constraints/issues package is described herein in Section 4, beginning on page 18. Following staff approval of the constraints analysis, the applicant would submit a single plan for Planning Board approval which would include all remaining requirements for preliminary plan and site plan review.

A variation on this recommended option exists today where applicants request that the preliminary plan and site plan be reviewed together and scheduled together for Planning Board review. However, an applicant must still submit a separate preliminary plan and a separate site plan with Board action on each plan. A clear advantage of a single concurrent preliminary/site plan is that only one plan will be reviewed by staff and only one Planning Board public hearing is required. It is important to understand that the plan must satisfy all requirements for preliminary plan approval and site plan approval. Only one report would be prepared and presented to the Planning Board.

Option II can be diagrammed as follows:



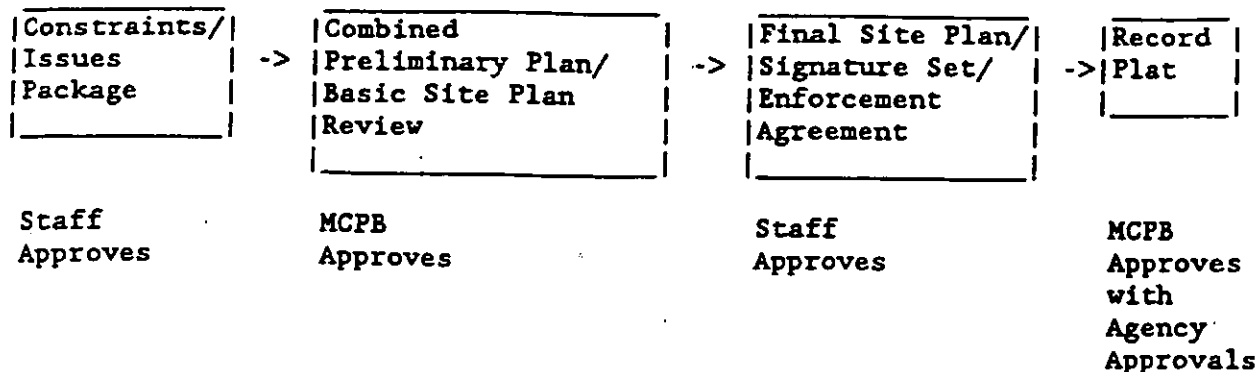
3. OPTION IIA: COMBINED PRELIMINARY/SITE PLAN PROCESS WITH STAFF APPROVAL OF FINAL SITE PLAN DETAILS

A variation of Option II would be a combined submission that would contain all required preliminary plan information with some site plan detail. Final site design and engineering, including such features as plant schedules, lighting specifications and details, recreational equipment specifications, detailed grading, and streetscape details could be reviewed and approved by staff after the combined preliminary/site plan is approved by the Planning Board. The combined submission approved by the Planning Board would have to contain enough information to allow the Planning Board to make all findings currently required for preliminary plan and site plan approvals.

One aspect of staff review and approval of the final site plan details would be the development of specific guidelines and regulations that would provide for consistency of staff review and certainty as to what can be required for final site plan approval. The Planning Board, however, must retain the authority to require that the final site plan be presented to them for

final action if issues are identified, in the course of public review, that warrant Planning Board consideration of final site plan details. This variation could help save additional up front cost and streamline the Planning Board's review of combined preliminary/site plans.

Option IIA can be diagrammed as follows:



4. FULL CONSTRAINTS AND ISSUES PACKAGE

This would be a preparatory stage prior to a combined preliminary/site plan submission in which all constraints are defined and all major issues are identified. In the existing process, prior to the forest legislation, this stage did not exist. Required forest stand delineations now identify most environmental constraints prior to preliminary plan submission. A preliminary plan of subdivision is not scheduled for the Subdivision Review Committee until the NRI/FSD is submitted and approved by the Environmental Planning Division. Few other constraints or issues are identified at this point in the process; most are left to later stages. The lack of adequate definition of constraints and issues early in the review process has been identified as a problem which contributes to changes being made to prior approvals, plan delays, frustration, and extra planning and review costs. Submission of a constraints/issues package early in the process should promote better review and result in less redesign later in the process. If such problems are to be avoided, then the resolution of site development issues needs to occur earlier in the process, before site design starts.

The constraints should include factors which are absolutely inviolable, such as easements; dedications; zoning development standards; and those factors which are negotiable, such as which trees to save or the location of stormwater management ponds; and other issues which will affect site design decisions such as compatibility or preservation of natural or historic features. The constraints and general issues that should be identified at this stage fall into the following general categories:

- o Legal description of boundaries, dedications, easements
- o Development standards in the zone
- o Environmental constraints
- o Transportation constraints
- o Urban design issues and constraints
- o Master plan requirements

Legal Description of Boundaries, Dedications, and Easements

- * Define mandatory roadway dedications, park taking lines, scenic easements, conservation easements, utility easements, access easements, and other components of a record plat.

Development Standards in the Zone

- * Minimum lot size requirements.
- * Minimum building setbacks and yard requirements.
- * Maximum height limits.
- * Maximum floor area ratio or density standards.
- * Other standards as may be appropriate for each zone.
- * MPDU/TDR requirements.

Environmental Constraints

- * Establish limits of non-buildable areas, and areas of severe and moderate constraints.

The County forest legislation (Chapter 22A) requires submission of a natural resource inventory (NRI) map featuring environmental factors affecting development, along with the forest stand delineation (FSD) prior to detailed plan review. The NRI/FSD includes at a minimum information on: steep slopes; streams and their buffers; wetlands, springs, seeps and their buffers; floodplains and associated BRL's; severely constrained soils; limiting geologic conditions; and forest stand descriptions and prioritization. County law presently allows 30 days for approval of the forest stand delineation by M-NCPPC staff; this is done prior to or with submission of preliminary plans.

Other environmental issues that should be determined at this early stage include: water and sewer categories; environmental functional plan recommendations; opportunities and methods for storm water management control; potential air quality and/or noise impacts; potential for rare, threatened or endangered species, energy saving opportunities; etc. A description of the proposed stormwater management approach including general location(s), waivers, and facility description would be appropriate.

Transportation Constraints

- * Specify potential points of access into the property as well as a necessary access through the property to provide access to landlocked parcels.
- * Identify and eliminate potential through traffic routes that could develop on primary residential, secondary residential, and tertiary residential roads within the development.
- * Identify all transportation-related facilities provided for in the master plan, such as roads, sidewalks, bicycle routes, and transit facilities that could affect the proposed development, with necessary rights-of-way.
- * Identify area-wide staging ceiling capacity constraints from the current Annual Growth Policy.
- * Determine when a local area transportation review (LATR) is required and provide information to the developer on background development that must be included in the LATR as well as critical intersections that must be studied.

Urban Design Constraints and Issues

- * Identify compatibility issues, internal and external.
- * Identify cultural/historic/natural features and their settings.
- * Identify design parameters from Master Plans, design studies, transportation constraints, guidelines, standards, etc.

Master Plan Guidelines and Issues

- * Highlight master plan guidance or directives affecting development of the property.
- * Identify applicable elements from Functional Master Plans, such as road classifications, dedications, transit/bike/pedestrian routes and nodes, SWM system components, parklands, etc.

5. CONCLUSION

The Steering Committee believes that it is possible to bring about substantial improvements in the existing preliminary plan and site plan phases of the overall DAP. These could serve to streamline the review by creating more of a funnel-type process where major decisions can be made earlier in the process. The key to accomplishing this is early definition of all constraints

and issues, thus avoiding costly revisions later. This definition of constraints and issues will directly affect what is ultimately proposed and approved for a given site.

While minor modifications to the existing process can begin to accomplish this goal, the Committee believes that the real solution lies with the new process described in Options II and IIA. This process would allow early definition of issues and, as a result, permit the combination of preliminary plan and site plan into a single step. A streamlined, combined preliminary/site plan process as proposed in Option II appears to be particularly appropriate for smaller scale projects or where time may be a more critical issue for an applicant. Option IIA will likely appeal to applicants for larger scale projects that will be developed in sections. The Steering Committee notes that increased emphasis on early resolution of issues will require greater interagency review and coordination earlier in the process. This may result in a need for additional staff resources earlier in the process. The Committee believes that this increase of staff resources will be offset by the streamlining of latter phases of DAP review time brought about by earlier issue resolution, and the combination of preliminary plan and site plan into one step.

It should also be noted that the new process proposed in Options II and IIA may require applicants to submit some information earlier in the process ~~than the current system~~. Preliminary discussions with consultants indicate that this will not be a significant burden since most of the information is already developed as part of the consultant's initial work. To the extent that it may slightly increase up-front costs, the Committee believes that the costs will be more than offset by the later savings in time and money gained from early issue identification and the combination of preliminary plan and site plan.

Recommendation D. Concurrent Reviews Where Feasible

Sequential reviews were identified as a problem in the April report because it is believed that they contribute to an increase in the length of the overall review time and increase the chance of a project being caught up in interagency or inter-departmental loops. The Steering Committee has reviewed the existing DAP with a view towards accommodating concurrent reviews where appropriate. The lead agency concept is intended to promote cooperative team reviews which should enhance interagency and inter-departmental coordination and reduce policy conflicts. The lead agency approach will provide a means for better decision making with less conflict in the process.

The recommendation for a combined preliminary plan/site plan process option, as identified in Recommendation C, is an attempt to provide concurrent review for two significant phases of the overall DAP. While a combined preliminary plan/site plan may not be suitable for all projects, it should be an option available to applicants who desire an accelerated, concurrent review process for their projects.

Under the combined preliminary plan/site plan option, a constraints/issues package is required to facilitate the early identification of and resolution of issues. A "team approach" is recommended in the review of this package to facilitate effective, concurrent review.

MCDEP and the Montgomery County Department of Fire and Rescue Services (MCD&RS), Bureau of Fire Prevention (BFP) have initiated a cooperative effort of concurrent review for building code and fire code requirements for commercial construction. The concurrent review of non-Fast Track commercial plans was conducted as a test for the period of June 15, 1992 through July 15, 1992. During this period 50 non-Fast Track commercial building permit applications were received. The key findings are:

- * 73 percent of the plans were judged incomplete or incorrect
- * 43 percent of the plans were suspended
- * 25 percent of the plans were approved in less than 20 days

The results have been sufficiently promising that the concurrent review process will be retained and enhanced to include the prescreening of applications by technical staff. The department believes that prescreening of plans prior to application submitted will drastically reduce the number of plan suspensions and likewise reduce plan review time. At a minimum two weeks should be eliminated from the plan review approval time, and the goal is to further reduce this time.

This effort was distinguished from previous attempts to streamline the plan review process because, in the spirit of empowering employees, the suggestions came from within the staff instead of the administrative hierarchy. The building, fire code, electrical and structural plan reviewers offered a series of recommendations which they felt would speed-up the commercial plan review process. To test the validity of their recommendations and measure the outcomes, it was decided to conduct a test commencing on June 15th to run thirty days. The test was not publicized as the goal was to test the concept before changing application procedures. A mid-stream adjustment meeting was held July 2nd to fine-tune the process.

The intake of building permit applications and plans by the Permits staff was not appreciably altered. After intake was successfully completed, Permits staff disbursed 5-6 site plans to the Land Use Compliance unit, M-NCPPC, et al. Concurrent with this distribution, two sets of building plans were sent to the engineers who would permit the screening. The two engineers, assigned to the Fast Track Unit, screened plans for incompleteness and incorrectness. The screening involved BOCA (building), NEC (electrical), and NFPA (fire safety) code compliance, and handicapped accessibility requirements. The existing "Plan Submittal Guidelines" were revised to incorporate items pertinent to the test namely the NFPA code.

Plans were assigned by the respective supervisory engineers and a fire code reviewer. The building reviewers performed routine checks for code conformance to BOCA and handicapped accessibility requirements. The fire code reviewers did likewise for code conformance with NFPA. The code reviews were performed concurrently. The building and fire code reviewers then compared their findings. If the plans contained significant code violations, a joint suspension notice was prepared and mailed. Once the plans were acceptable, they were forwarded to the structural engineer and a set to the electrical reviewer. At this point the structural and electrical reviews were concurrent. A final review occurred when the senior engineer assigned an approved set of plans to the mechanical engineer. Finally, the application and plans were delivered to the Permits section for building permit issuance.

Although statistical data was maintained, the test period was inadequate to provide accurate statistical sampling. It is the consensus opinion of DEP and BFP that the time involved in the plan review process was reduced significantly during the test period. MCDEP and BFP have recommended that the concurrent review process be maintained for a statistically significant period of six months. The effective date of this extended period will be on or about October 1, 1992 and continue through March 1, 1993. Although the "winter" months are historically a slower period for development permits, this will allow them to address the problems identified during the current test period as well as

those which occur during the six-month test. It is staff's goal to provide a user-oriented process which will provide predictability and timeliness while maintaining the professional standards which they currently employ. To this end, staff is resolved to adjusting the process with the expectation of creating a permanent change that will provide a faster and better quality plan review.

Recommendation E. Procedural Changes to Promote Effectiveness and Efficiency

There is concern that the present DAP has evolved over time rather than resulting from a specific system design. The Steering Committee has evaluated the present process to determine where requirements exist which are duplicative, unnecessarily bureaucratic or serve no useful purpose.

As stated earlier under Recommendation A, each agency was charged with the task of preparing a description of its role in the DAP. The Steering Committee finds that the current agency functions or roles are beneficial and are not duplicative. Where there is some overlap in responsibilities, it is usually based on the need for consistent review in moving from planning functions to regulatory functions.

As identified in the April Policy Level Report, the Steering Committee is recommending a restructuring of the water and sewer service area change process to allow regular updating of service areas as part of the master plan process. The details of such a process will require coordination of Council staff, M-NCPPC, DEP-DWRM, and WSSC. The complexities that must be addressed relate to the coordination of master plans and the comprehensive evaluation of these planning areas to reflect appropriate water and sewer categories on the Comprehensive Water Supply and Sewerage System Plan (Ten Year Plan) maps.

Several meetings on this subject have occurred with staff representatives of the affected agencies. It is proposed that this new process begin on a planning area basis during the update or development of master plans as scheduled by the County Council. Coordination of the land use issues with water and sewer policies and staging criteria will add to the value of the functional aspect of the Ten Year Plan. The greatest efficiency this will offer is to minimize the need to have planned development go through a separate category change process for each property. At the present time there is no process to comprehensively update the water and sewer category maps. Consequently nearly all new development must go through the formal public hearing process for a category change before WSSC can begin project evaluation and before preliminary plans can be scheduled for Planning Board review. The proposed master plan coordinated process should eliminate the need for this extra development approval step when a proposed development is consistent with the master plan.

Conceptually, this new comprehensive process will involve DEP-DWRM early in the staff draft development of master plans to coordinate on land use decisions that relate to the provision of water and sewer service. This information will be used by DEP-DWRM to develop draft water and sewer category maps that will undergo review by the agencies that have been involved in development of the staff draft master plan.

M-NCPPC will continue to be the lead agency for developing land use recommendations and staging priorities during the master plan process. In a similar manner to the current comprehensive rezoning or sectional map amendment process, the water and sewer category mapping effort will be conducted in parallel with master plan preparation, but not be approved as part of the master plan. This is due to the fact that the mapping is an integral part of the State required Comprehensive Water Supply and Sewerage Systems Plans, a functional plan administered by DEP-DWRM. It is envisioned that once the master plan has been adopted by the Council, the Executive will submit the draft water and sewer maps to the Council as an amendment to the Comprehensive Water Supply and Sewerage Systems Plan.

It is important to point out that this new comprehensive process will take time to become fully functional. If each planning area is done at the time of master plan development or update, then the schedule for the completion of a comprehensive amendment to categories in all master plan areas will be dependent on the master plan update/development schedule adopted by the Council and implemented by the Planning Board. Accordingly, the present development application driven process will continue to address both the present backlog of category change requests and new requests from planning areas not yet addressed in the new comprehensive process. However, once the comprehensive map update process has been developed for a planning area, it is believed that this change will promote a more effective and efficient means of approving development projects and for planning extensions of water and sewer facilities.

One of the other recommendations of the Policy Level Report was the establishment of a mechanism to "advance fund" local area review improvements which would then be repaid upon subsequent development of the property. Such a mechanism was approved by the Council as part of its adoption of the FY 93 Annual Growth Policy and is ready for implementation.

As the roles of individual agencies are being redefined (lead agency, support agency, etc.) procedural changes must be implemented to provide the most efficient and effective means of delivering services. The Committee believes that employees should be encouraged to suggest changes to enhance the process. Several county departments and the M-NCPPC planning department have provided employees with specialized training in total quality management (TQM) and a customer service orientation in dealing with applicants, the public, and other agencies/departments. At present, the staff is being asked to recommend changes which will enhance the development authorization process. Not only is this improving customer service and satisfaction, it is also giving the employees more of a sense of being part of the decision making process. This leads to greater job satisfaction, improved productivity, improved moral, and better attitudes.

In an effort to create options for the development community to expedite the review process, the submission of a constraints/issues package early in the DAP will allow for an accelerated review. The constraints/issues package is identified as a requirement with the combined preliminary plan/site plan option described in Recommendation C. However, an applicant will also have the option of submitting a constraints/issues package with a preliminary plan application that does not require site plan review. As previously mentioned, many engineers develop such a package for their clients as part of their early plan preparation.

Improvements in providing public education about the DAP to facilitate timely and relevant community input is another important consideration to improve effectiveness and efficiency. Implementation of such improvements will occur once all of the changes to the present DAP are decided.

Recommendation F. Certainty of Review Times

The Steering Committee believes that the changes in the DAP recommended in this report will result in significant reductions in the overall review time. The changes should also help to bring about more predictable time frames for each step in the process. With the development of a comprehensive development manual, review times should be shorter since standards, guidelines, and application procedures will be more clearly defined. At present, much time is lost in the process when plans are submitted but are found to be incomplete or inadequate. Part of the problem is the lack of, or inadequacy of, submission guidelines and a concise statement of an agency's purpose sufficient for an applicant to follow and submit complete plans.

The M-NCPPC Development Review Division (DRD) has recently implemented a new automated development review monitoring system (DRMS) to determine the status of individual preliminary plan applications. This system can be easily accessed by staff to answer public inquiries and to assist applicants and engineers concerning where their application is in the process. This system could be expanded in the future to help track a project all the way through the DAP system. This system could be expanded in the future to include activities in the process that occur after preliminary plan approval; be used to help identify problem areas where projects tend to be delayed; and, to help determine appropriate time frames for each step in the DAP.

The Appendices of the April 15th Policy Level Report contained two charts which provided an overview of the planning process and base time lines for project approvals. One chart was for a small residential subdivision, and the second was for a large-scale residential subdivision. The charts are included in Appendix B of this report on pages B-22 and B-23. These charts have served as the basis for significant discussion of the length of time that it takes to go through the existing DAP. The charts depict a process that takes approximately three years to complete, including both public and private time lines.

In reviewing these charts in February 1992, the Council requested that the Steering Committee evaluate the DAP with a goal of reducing the amount of time for project approvals to approximately one year for a minor project and two years for a major project. As part of the February discussion, the Council concluded that the DAP begins with the submission of a preliminary plan of subdivision and concludes with the issuance of a building permit.

The Steering Committee has reviewed the process in significant detail since last February and concludes that the revised DAP recommended in this Report can result in the approval of a minor project in approximately one year and the approval of a complex project within the two-year time frame requested by the County Council.

Although improvements will be implemented, it must be pointed out that review times cannot be totally guaranteed. Many of the delays in the DAP occur because an applicant requests more time to negotiate a solution to a particular issue raised by staff or the community. The alternative would likely be denial or deferral if the plan went to the Planning Board. While this alternative would provide more certain review times, it does not produce a desirable result.

In considering which activities should be included in the base time line, the Steering Committee concluded that time spent in applying for a sewer and water category change and time spent in an APFO moratorium should not be counted in the base time lines for project approvals. These two categories are threshold issues that, procedurally, must be resolved prior to a preliminary plan of subdivision being presented to the Planning Board for action. The Committee discussed this recommendation with the County Council at the July 10, 1992 status briefing where it was emphasized that such threshold issues should be resolved outside of the DAP because they involve planning and policy issues. Except for minor amendments to the sewer and water plan, most sewer and water category changes require approval by the County Council. The changes proposed in Recommendation "E" of this Report, to directly link the sewer and water category change process to the master plan process, recognize the important threshold policy decisions ~~involved in sewer and water category changes~~ and will allow these changes to be made prior to beginning the DAP.

One of the most common APFO problems involves deficit staging ceiling, as established in the Annual Growth Policy (AGP), which prevents a preliminary plan from being approved. Again, this problem is a threshold policy issue that is normally resolved by the County Council as part of the annual AGP process. The Steering Committee believes that APFO constraints that effectively preclude the approval of a project should not be counted as review time in the DAP.

Another threshold APFO approval issue involves septic approvals by the County Health Department. A property that is located in an area not to be served by public sewer service must receive septic field approval by the Health Department prior to receiving preliminary plan approval by the Planning Board. The Committee recommends that pre-preliminary plans should be filed for projects that require septic approval so that testing can be completed and Health Department approval secured prior to submission of a preliminary plan of subdivision. Staff of the Health Department concurs with this recommendation.

By not including projects in the time line that require a sewer and water category change; that are in a APFO moratorium area; or that require Health Department approval, a more predictable DAP emerges. The deletion of sewer and water category

changes and APFO moratoriums, by themselves, will result in approximately 16 months of delay in the process being removed from the base time line as depicted in the charts shown in the April 15th Policy Level Report. In addition, the provision of concurrent reviews, more clearly defined standards and guidelines, implementing lead agency review and creation of a more clearly defined "funnel" process, as recommended in this report, will result in additional streamlining of the DAP. The Committee estimates that an additional 4 - 6 months of public review time can be reduced by the changes recommended in this Report.

The three charts shown on pages 31, 32 and 33 depict the DAP for a minor project (Figure 1); a complex project involving preliminary plan and site plan approval (Figure 2); and a complex project with combined preliminary plan/site plan review (Figure 3). The time lines shown are intended to depict only the public review time for each major activity or phase in the DAP. The charts are based on the submission of a complete application with the timely submission of required information and analyses for each identified activity on the time line. Additional time that applicants may take between the phases in the process are not shown because they are not generally known in advance. For example, after preliminary plan approval, an applicant has three years to record the required record plat. There is no certainty that a record plat application will be submitted soon after preliminary plan approval.

The Steering Committee notes that required State/Federal permits are not shown on the time lines. While these permits can involve substantial periods of time, they are not under any local control. Montgomery County will be seeking State delegation of wetlands permitting authority for projects in the County, but no decision on this request is expected for some time. Staff estimates that securing State/Federal permits can take 6 to 12 months of additional time that Montgomery County has no control over.

The time lines represent realistic agency goals for accommodating adequate review of each phase of project review in the DAP. Concurrent reviews as part of the record plat and construction plans/permit phases are encouraged as an additional means for providing a streamlined approach to project review.

The following discussion explains each of the three charts shown on pages 31 - 33 in greater detail:

1. DEVELOPMENT AUTHORIZATION PROCESS - MINOR SUBDIVISION

The minor subdivision is intended to include projects that would generate fewer than 50 peak hour trips (no local area transportation review required) and projects where site plan approval is not required. A forest stand delineation is required at the beginning of the process for all three time line charts. This four-week review period is mandated by State and County forest conservation legislation.

Figure 1

DEVELOPMENT AUTHORIZATION PROCESS

Minor Subdivision*
Public Water and Sewer

	YEAR 1			YEAR 2			LEAD AGENCY
Forest Stand Delineation	<u>4 wks</u>						M-NCPPC
Preliminary Plan	<u>10 wks</u>						M-NCPPC
Street Grade Establishment		<u>6 wks</u>					MCDOT
Record Plat			<u>18 wks</u>				M-NCPPC & MCDOT
Construction Plans/Permits							
- Final SWM/Sediment & Erosion Control Permits		<u>6 wks</u>					MCDEP
- Street Grading Permit			<u>6 wks</u>				MCDOT
- Paving & Storm Drainage Plans/Permits			<u>8 wks</u>				MCDOT
Water & Sewer Design			<u>24 wks</u>				WSSC
Building Permit			<u>6 wks</u>				MCDEP

* A minor subdivision involves fewer than 50 peak hour trips (no local area review required) and does not require site plan review.

Total Time: 44 Weeks

Figure 2

DEVELOPMENT AUTHORIZATION PROCESS

Complex Subdivision*
Public Water and Sewer
Site Plan & APFO Review

	YEAR 1			YEAR 2			LEAD AGENCY
Forest Stand Delineation	<u>4 wks</u>						M-NCPPC
Preliminary Plan	<u>12 wks</u>						M-NCPPC
Resolve APFO Constraints	<u>8 wks</u>						M-NCPPC
Site Plan		<u>8 wks</u>					M-NCPPC
Street Grade Establishment		<u>6 wks</u>					MCDOT
Record Plat			<u>26 wks</u>				M-NCPPC & MCDOT
Construction Plans/Permits: - Final SWM/Sediment & Erosion Control Permits - Street Grading Permit - Paving & Storm Drainage Plans/Permits			<u>10 wks</u> <u>9 wks</u> <u>12 wks</u>				MCDEP MCDOT MCDOT
Water & Sewer Design			<u>24 wks</u>				WSSC
Building Permit				<u>6 wks</u>			MCDEP

* A complex subdivision involves 50 or more peak hour trips (local area review required) and requires site plan approval.

Total Time: 62 Weeks

Figure 3

DEVELOPMENT AUTHORIZATION PROCESS

Complex Subdivision*

Public Water and Sewer

Combined Preliminary Plan/Site Plan

	YEAR 1			YEAR 2			LEAD AGENCY
Full Constraints/Issues Package (including Forest Stand Delineation)	<u>8 wks</u>						M-NCPPC
Combined Preliminary Plan/Site Plan	<u>10 wks</u>						M-NCPPC
Resolve APFO Constraints	<u>8 wks</u>						M-NCPPC
Street Grade Establishment		<u>6 wks</u>					
Record Plat			<u>24 wks</u>				M-NCPPC
Construction Plans/Permits							
- Final SWM/Sediment & Erosion Control Permits			<u>10 wks</u>				MCDEP
- Street Grading Permit				<u>8 wks</u>			MCDOT
- Paving & Storm Drainage Plans/Permits				<u>10 wks</u>			MCDOT
Water & Sewer Design				<u>24 wks</u>			WSSC
Building Permit				<u>6 wks</u>			MCDEP

* A complex subdivision involves 50 or more peak hour trips (local area review required) and requires site plan approval.

Total Time: 54 Weeks

The preliminary plan approval process for a minor subdivision involves a number of concurrent reviews which include storm-water management (SWM) concept/waiver approval by MCDEP; an environmental assessment and identification of street dedication requirements by M-NCPPC; and, access and public road improvements required by MCDOT and/or SHA.

The time lines in the construction plans/permits phase reflect concurrent agency reviews with two reviews for each plan submission. This provides for an initial 4 - 5 week review with a follow-up 2-3 week review of a final plan/permit for each of the activities identified. Again, this assumes submission of a plan that adequately meets the standards and guidelines for plan/permit approval that need only minor changes or modifications.

If plans are submitted that do not meet the requirements for approval or information is not submitted in a timely way, then the DAP will take longer. However, the time lines shown for staff review are intended to remain the same. For example, a delay in submitting information will not increase the amount of staff review required; it merely delays onset of the review. The Committee believes that the time lines for a minor subdivision satisfies the goal set by the County Council for a one-year review of such projects. The Committee estimates that a minor subdivision could be processed from preliminary plan to building permit in about 44 weeks.

2. DEVELOPMENT AUTHORIZATION PROCESS - COMPLEX SUBDIVISION

The complex subdivision is intended to include projects of more than 50 peak hour trips (local area transportation review required) and projects that require site plan approval. A forest stand delineation is required as part of the preliminary plan process, the same as for a minor project. The preliminary plan process is the same except that the analyses associated with APFO approval is included. In addition, more emphasis will be placed on identifying potential site plan issues or problems that can be resolved as part of the preliminary plan.

The site plan process also involves concurrent review by a number of agencies who review detailed plans for compliance with various regulations, guidelines, and zoning standards. In addition, a determination is made concerning the compatibility of the project with the surrounding neighborhood. It is expected that greater staff involvement earlier in the process, as part of the preliminary plan, will facilitate faster resolution of issues at site plan. It is important to note that a complete application will be important to facilitate meaningful review as part of the preliminary plan phase of the DAP.

As shown on the chart in Figure 2, more time will be needed for the record plat process because of the increased complexity of applications. Again, through an emphases on concurrent reviews of plans/permits, the proposed time lines will be an improvement over the present process.

3. DEVELOPMENT AUTHORIZATION PROCESS - COMPLEX SUBDIVISION
WITH CONCURRENT PRELIMINARY PLAN AND SITE PLAN REVIEW

Recommendation "C" describes the proposed process for combined preliminary plan/site plan submission. Under this option, the applicant must submit a full constraints/issues package (including the forest stand delineation) prior to submission of the combined plan. The review of the constraints/issues package would be conducted by staff of the affected agencies with final comments to the applicant within eight weeks. It is anticipated that this package will set the stage for a more streamlined preliminary plan/site plan review process (18 weeks for a combined plan, including constraints/issues package, versus 24 weeks for a separate preliminary plan and site plan). The Committee believes that the full constraints/issues package should accommodate streamlined review for the record plat and construction plans permits as well; but this cannot really be quantified until staff has experience working with the constraints/issues package and combined plans.

Recommendation G. Effective System for Resolving Conflicts

Under the present DAP, the burden for resolving inter-governmental conflicts has fallen on the applicants. This is not appropriate in that it creates significant hardship for an applicant to resolve issues that rest in the agencies/departments of government. As discussed under Recommendation A, the Steering Committee believes that with more clearly defined responsibilities; with lead agencies assuming a coordinating role; and with a team approach to solving conflicts that emerge, the burden will be shifted from applicants to government.

Under the lead agency concept, the lead agency will be responsible for resolving conflicts within its designated functional area. If there is a conflict between functional areas and more than one lead agency, the Planning Department will decide which function takes precedence and ask the lead agency for the other function to develop an alternative solution.

It is also important that the DAP be properly sequenced and that concurrent reviews occur wherever practical. The changes to the DAP recommended in this report will help to bring about a better process for resolving conflicts without delaying the overall project review.

Related to proper sequencing is the need for issues to be identified early in the overall process so that they can be resolved without the need to make changes to a project later in the process. The changes that are proposed in Recommendation "C" should help to reduce this problem in the future.

The present Subdivision Review Committee (SRC) process is being examined by the Steering Committee to see if it can be changed to become a more effective entity for resolving issues/conflicts early in the DAP. The April "Policy Level Report" identified the importance of ensuring that employees assigned to interagency review activities have the authority to make appropriate decisions in conflict situations. Again, the lead agency approach with a strong emphasis on team reviews will help to resolve issues that emerge, particularly interagency conflicts.

The April report also noted the need to create incentives for applicants to adhere to guidelines and constraints identified by staff. One of the best incentives that can be provided is the assurance of a predictable process wherein agency reviews and recommendations will be made in a timely manner. The cooperation of applicants in providing all necessary information as early in the process as possible is important if early issue resolution is to occur. The opportunity for concurrent reviews is another important incentive for applicants to provide more information earlier in the process.

Recommendation H. Efficient Means to Assimilate, Track and Share DAP-Related Information

Recently, a number of initiatives have been taken to improve the sharing of DAP-related computer applications between the M-NCPPC and the Executive Departments. Both the County Executive and the M-NCPPC are implementing electronic mail systems ("E Mail" systems). This effort has been coordinated through the interagency technology coordinating committee, "ITCC," and it is planned that both systems will be able to communicate with each other. Other initiatives include:

MC:MAPS LAN Connection (MC:MAPS -- Montgomery County Map Preparation and Automation System) Funds are included in the M-NCPPC's budget to implement in FY 93, a high speed LAN connection to the Executive Branch to ensure that Executive Department's can make ready use of the MC:MAPS products as they are developed by the M-NCPPC.

Montgomery County Building Permit System provides direct on-line access to the Executive Departments, as well as M-NCPPC. This system is being redesigned in the Executive Department of Information Systems and Technology (DIST). DIST has actively sought and received recommendations from the M-NCPPC.

The M-NCPPC has ~~a number of DAP-related systems~~ which are now shared by outside agencies and Executive Departments. Use of these systems could be extended to other Departments with only a minor budget impact. Database management systems exist both for Subdivision and Site Plan Review. These detailed systems provide information on the applicant and the conditions of approval for the application once it is approved. In addition, systems exist for tracking the current status of pending Subdivision plans. One recently completed system is called the Development Review Monitoring System (DRMS). This is an easy to use system which readily tells the user whether comments have been received from the review agencies, and if there are items not yet submitted which are required for a complete application. Access to the DRMS could possibly be extended to the private sector.

The Steering Committee fully supports the recommendation to develop a plan to use an automated Geographic Information System to prepare master plans, track zoning, etc. For FY 93, the County Council approved the Planning Department's proposal to develop an automated mapping system which would provide the basic data required for a geographic information system (MC:MAPS).

Currently, there is sufficient funding to develop the two primary layers required for a GIS system, planimetrics and property maps for both the Eastern Montgomery County and I-270 Corridor areas. Both the planimetric and property layers for the Eastern Montgomery County area are projected to be completed by March of 1993.

While the Steering Committee obviously supports the use of GIS to improve DAP, it would be unrealistic to assume that the development of the GIS system could be accelerated to the extent that it could help improve the DAP process in the short term. Past experience shows that complex computer systems are subject to quality control problems when they are rushed.

M-NCPPC is investigating the possibility of following each stage of the basic MC:MAPS development with additional layers showing preliminary plans, site plans, historic sites, and zoning. It would also be possible for the Executive Departments to begin implementing additional layers that would help in the DAP process, for example, sewer service areas. M-NCPPC has established a technical committee with representation from Montgomery County DIST and WSSC. The technical committee could provide technical support to departments who are interested in getting additional layers.

Given that it will take from three to five years to develop the MC:MAPS system, it would be impractical at this time for developers to submit plans in an automated format. However, M-NCPPC agrees that it may be appropriate at this time to begin to establish a committee to plan for the future submission of automated plans for review and storage, etc. There is little doubt that the most effective way from an automation point of view of improving the DAT system would be the development of a GIS system for Montgomery County. Such a system would provide the same data for topography, wetlands, rights-of-way, zoning, historic sites, etc. to all government agencies. In addition, the private sector would have the potential of receiving all of the above information at one location. The private sector has, for many years, been purchasing "topography maps" from M-NCPPC. Once the MC:MAPS system is complete, they would be able to purchase, at various scales, both property, topographic, historic site and other information as discussed above.

**Recommendation I. An On-Going Framework and Effort to Maintain
an Efficient System**

The Steering Committee recognizes that it is very important that an on-going effort and procedural framework be established to assure that the DAP operates efficiently. There needs to be a permanent institutional arrangement wherein additional changes to laws, regulations and guidelines can be formulated to respond to future changes in the DAP. To accomplish this objective, the Steering Committee proposes that it continue to meet to review progress on streamlining the DAP and consider possible future changes. The Committee also proposes that each Department meet periodically with representatives of the development community to discuss any problems with the process.

Employee training and development are critical to the implementation of an effective DAP. Recent training in TQM and customer service by Executive Departments and M-NCPPC has already proven to be beneficial in improving the effectiveness of agency staffs. MCDEP continually provides technical training to employees through individual and group training sessions. The complexity of training topics varies depending on job duties and experience. Cross training of technical and administrative duties is done to insure that all functions of the process can be completed regardless of employee leave or absence. This cross training is also used when development activity increases. Other agencies/departments will ~~emphasize cross training as a means of addressing sudden upturns in a particular area of the DAP.~~

The Steering Committee will propose an on-going training program once changes to the DAP are finalized. Particular emphasis will be given to providing employee cross training to assure adequate staffing for specific functions. Training will also be provided so that staff from each agency are familiar with the roles and responsibilities of other agencies. In addition, the Committee will propose training for engineers/architects so that they will better understand the overall development authorization process.

Recommendation J. Self-Supporting Fee Structure

The Policy Level Report recommended that the governmental costs of the development authorization process be further analyzed and that fees be established to recoup the appropriate costs. The Steering Committee believes the user fee mechanism is appropriate since service recipients are limited and easily identified.

Additional information on fees, revenues collected, and costs incurred related to the DAP was collected in July 1992, as part of the material prepared by each agency describing its current functions and responsibilities in the DAP (see Appendix C). The revenue collected (from fees, charges, and assessments), the associated work years, and the expenditures incurred relating to the DAP for FY 90 and FY 91 were presented in the draft report (see page C-92 of Appendix C). So as to present the most current revenue and expenditure data, the agencies submitted updated information for FY 92 (actual) and FY 93 (budget). That information is presented in a table at Appendix E.

The Steering Committee agrees with the recommendation of the Economic Advisory Board that a new fee schedule should not be instituted until after the effectiveness of the modified review process can be evaluated.

Implementation Framework

As mentioned in the Introduction, this report marks the beginning of the implementation phase. While some recommendations can be implemented immediately, others will require additional time and effort. The following discussion summarizes the implementation status of the major recommendations.

The most significant recommendation, lead agency designations, will be implemented at once. So will the portion of Recommendation "C" that calls for more site plan level input into preliminary plan review. The Planning Department has recently reorganized to help accomplish this objective, moving the site plan review function into the Development Review Division with preliminary plan review. Another major recommendation that will be implemented soon is the linkage of the water and sewer category change process to the master plan process. This recommendation will be followed for all future master plans.

Recommendations that will require more time to fully implement include the option for combining preliminary plan and site plan; the development of additional guidelines and process manuals; further training; and improved tracking of applications. Staff is continuing development of the combined plan option. Additional discussion with the development community and citizen groups will be necessary ~~to finalize the details of this new process.~~ It will be in place by February 1993.

The development of new guidelines, better tracking systems, and improved training will require additional staff time and consultant resources. Work on these recommendations will continue in FY 93, and future needs will be identified in FY 94 budget proposals.

On October 1, 1992, the Maryland Economic Growth, Resource Protection, and Planning Act of 1992 became effective. There are several short-term and long-term actions that will be necessary by Montgomery County Government to respond to the requirements of this new State law. This Planning Act requires that by January 1, 1993, the local legislative bodies must send to the Governor a schedule which provides for actions that Montgomery County will take regarding, among other things, encouraging the streamlining of the development review process in areas designated for growth and the achievement of consistency between zoning, subdivision, and other County regulations with approved County plans.

The 1992 Planning Act requires that local jurisdictions must take specific action to streamline their development processes for projects located in designated growth areas. The State is primarily concerned that development standards are more restrictive in developed areas which cause developers to propose projects in more rural areas where development standards are less restrictive. The present streamlining effort, which is the

subject of this Report, has been prepared in part to address the State's objective to encourage development in designated growth areas. A more streamlined process as recommended herein is intended, in part, to satisfy the State's mandate for streamlining the development process.

In conclusion, the Steering Committee believes that the implementation of the proposals contained in this Report will accomplish the goal of streamlining Montgomery County's development authorization process and making it more predictable. To ensure that these recommendations are carried out, the Steering Committee will continue to meet periodically to review the progress being made.

APPENDIX A

Resolution No. 12-532
Introduced: December 10, 1991
Adopted: January 28, 1992

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Council President Bruce Adams, Vice President Marilyn Prainger
and the Planning, Housing and Economic Development Committee

Subject: Initiative to Streamline Development Review Process

Background

1. The development review and approval process in Montgomery County is very complex and time consuming requiring the participation of several departments and agencies.
2. The development review process has achieved positive public objectives in flexibility of uses and housing types, compatibility, environmental protection, safety, timing, and provision of public amenities and facilities.
3. In addition to County regulations, there has been an increase in state and national regulations and it is likely this will continue.
4. According to County government prepared materials, Montgomery County has the most time-consuming development authorization process in the region.
5. The need for streamlining government procedures is reinforced by the current fiscal situation.

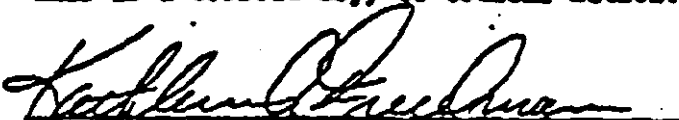
Action

The County Council for Montgomery County, Maryland, approves the following resolution:

1. The County Council recognizes the need to streamline the permitting and development process and accordingly amends the Montgomery County Planning Board's workprogram to include a review and streamlining of the development review process as its highest priority.
2. Such review should consider at least the following areas:
 - a. identification and elimination of duplication among and between agencies;
 - b. identification of steps that can be done concurrently and procedures to achieve the goal;
 - c. procedures or requirements that can be eliminated or modified;

- d. development of a process for resolving conflicts among and between regulatory agencies;
 - e. time limits for government review;
 - f. clarification and simplification where possible of the rules and regulations on which regulatory agencies base their decisions in an effort to improve understanding and compliance;
 - g. possible expanded use of technology;
 - h. state and local functions and possibilities for modifications.
3. In order to ensure a comprehensive review, the Planning Board with the cooperation of the County Executive should convene a working group which includes representation from all the agencies having a role in development review.
 4. The review should also include consultation, as appropriate, with the development industry and civic and environmental groups.
 5. The goal of this effort will be to reduce by at least 50% the time required for the Montgomery County development review and approval process, with a target of a one-year time frame for completing the process for noncontroversial projects (which have the applicable zoning and water and sewer category) and two years for controversial projects (which have zoning but may require a sewer and water or other change).
 6. A policy-option report from the working group which identifies potential alternatives for streamlining the development process and describes the budget implications of each alternative should be presented to the County Council by April 15, 1992. An implementation report with detailed recommendations is due by September 15, 1992 so that the new process can be implemented by January 1, 1993.

This is a correct copy of Council action.


Kathleen A. Freedman, CMC
Secretary of the Council



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

October 29, 1991

William Hussmann
Chief Administrative Officer
Executive Office Building
101 Monroe Street
Rockville, MD 20850

Dear Mr. ~~Hussmann~~: *Bill*

As we have previously discussed, we have for some years now been involved in establishing progressively more complex development regulations. These changes have occurred for good reasons, but we frequently lose sight of their cumulative relationship to the overall objectives of the public interest. In light of these more complex regulations and review processes, we need to reassess our present procedures. We need to create the opportunity to define development, whether through the zoning, subdivision or site plan process, that is creative and meets the County's necessary objectives while still adhering to the basic ~~development standards and ordinance requirements.~~

The Planning Department and Planning Board believe this is a timely opportunity to look at the situation. The Planning Department will, in cooperation with DEP and other County departments, organize and manage a program assessment of the overall process of development review. This effort is designed to assess issues and problems of the entire development approval process from zoning to building permit, and not just the subdivision review process. I want to emphasize an incremental approach due to the limited resources available in these difficult times.

The first phase is to begin immediately and involves a series of meetings and information sessions with the County and public agency staff and the development community to discuss contemporary issues as they relate to the development review process. A second phase would include a detailed assessment of the issues raised in the first phase. A third phase involves the preparation of process and regulatory changes that may grow out of the first two phases.

The issues definition effort should define areas needing detailed assessment in order to provide for improved development. It will be necessary to define goals for development on a coordinated basis. Currently, these reviews are typically carried out through independent action on the part of the various partic-

William Hussmann
October 29, 1991
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ipating agencies, each with its own unique standards and requirements. The purpose is to investigate two questions: what we are trying to accomplish through the review processes, and what it means to encourage creative development while meeting all the basic standards and requirements.

The Planning Department staff proposes to manage the issues definition and program reassessment using DEP as the liaison with County government. After the initial meeting with staff persons responsible for administering various aspects of the County Code relative to development approvals, an additional effort will involve outreach to the development community and financial community to establish issues that need to be addressed concerning time and cost constraints in the development process and where efficiencies can be introduced.

Following the information sessions and meetings to define the issues, subsequent meetings involving policy level personnel will be convened to address the goals of the development process. Staff from the following County Departments and agencies would be included: DOT, DEP, MCPS, Health Department, WSSC, SHA, HOC, as well as the Planning Board. Representatives from the development community would be designated by the SMBIA and other organizations. The culmination of the basic goals definition process will be a report on action necessary to implement any efficiencies, flexibilities, or other changes in the review process.

We will be contacting the various County agencies to invite them to an issues forum on the Development Review Process shortly. Tentative dates for the forum are Wednesday, December 4 and Monday, December 16. We look forward to working with you in undertaking this important effort. If you see any reason we should not proceed, please call me immediately.

Sincerely,



Robert W. Marriott, Jr.
Montgomery County
Planning Director


RWM:DJP:ds/arh

cc: Edward U. Graham
Planning Board

MEMORANDUM

December 6, 1991

TO: Marilyn Praisner, Vice President
Montgomery County Council

FROM: Neal Potter, County Executive 

SUBJECT: Council Resolution to Increase the Development Review Process Speed

I understand from Jon Gerson you are interested in sponsoring a resolution calling for simplifying and shortening the permitting and development process. Your resolution is very timely and will support a proposed multi-agency initiative (see attached letter). I strongly support this initiative and am directing the appropriate Executive Branch Departments to cooperate fully in a "development process review team".

The additional costs resulting from the length of our process is an unnecessary burden, resulting in more costs to County firms, and impeding responses to market demands. In drafting your resolution, you might consider incorporating the following:

- o Identify and ~~eliminate duplication in the review process~~, including State and Federal requirements.
- o Identify review steps that can be done concurrently and develop a system for this to occur.
- o Set up a process for resolving conflict among regulatory agencies in a timely fashion when more than one agency has authority. For example, there are many overlapping responsibilities between M-NCPPC, DOT, and SHA on transportation issues.
- o Delegate "authority" to resolve regulatory issues when consensus is not reached in normal review process.
- o Tighten up time limits for government review.
- o Encourage M-NCPPC and County personnel to present a more positive attitude toward helping applicants complete the process "ASAP".
- o Clarify and simplify where possible the rules and regulations on which the regulatory agencies base their decisions. This is particularly important for new regulations, such as environmental protections which will be new to everyone involved.

The attached letter from William Hussmann to Robert Marriott expands on these ideas and offers some additional suggestions on specific areas such as subdivision review, transportation and overlapping state and local responsibilities, and to his list I would add the Fire Marshal. We need to establish an effective multi-agency review team to address duplication, delays and other development obstacles. We can achieve a process that is efficient and user-friendly while providing responsible protection for Montgomery County citizens and the environment.

cc: Bill Hussmann, CAO
Ted Graham, DEP
Jon Gerson, OED
Bob Marriott, M-NCPPC



Montgomery County Government

ROCKVILLE, MARYLAND 20850

November 27, 1991

Robert W. Harriott, Director
Montgomery County Planning Board
The Maryland National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Harriott:

Thank you for your recent letter concerning the proposed multi-agency assessment of the development process. I strongly support this initiative and assure you of the full cooperation of the Executive Branch.

Over the years, increased development regulations have resulted in a very complex review and approval process. I anticipate that the trend toward greater controls will continue, including, for example, more attention to wetlands, water quality, air quality and site plan review. Without a comprehensive review and appropriate overhaul of the process, including a careful assessment of future requirements, the current complexities, problems and inefficiencies are likely to be greatly magnified.

According to data compiled by the County's Office of Planning Policies (see attached), Montgomery County has the most time-consuming development authorization process in the region. Since carrying costs make up a substantial part of the costs of development, unnecessary delays represent avoidable development costs. Accordingly, one of the fundamental challenges will be to structure the regulatory process to achieve both high quality and efficiency. I recommend that early in the evaluation process you set a specific goal for substantially reducing the elapsed time of development review.

These tight financial times underscore the need to be especially sensitive to process efficiencies. The process evaluation team should pay particular attention to consolidation of overlapping functions, that can boost productivity and to conducting simultaneous reviews where appropriate and feasible. It is important that functions by different agencies or departments complement, rather than duplicate each other. It is also advisable to assess what may be better accomplished by the private sector.

Robert W. Marriott
November 27, 1991
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I look forward to a thorough assessment of the appropriate use of new technology. For example, intuition suggests that the process could be substantially improved if proposed subdivision plans were submitted and distributed for review in electronic format. If properly crafted, this should reduce paper handling and communication time and should ease the burden on staff involved in mapping.

There are a number of very specific problems that relate directly to the subdivision review process. Your team's assessment should ensure that they are addressed. Some of them seem to be systemic and can probably only be solved by redesigning the system. This may involve transferring functions among our several departments.

Many of these problems relate to transportation issues. Traffic impact analyses tend to be too time consuming, are subject to changing conditions and are often difficult to bring to timely resolution. It has also been my experience that conditions imposed by the street layout often conflict with other goals such as site plan quality, tree preservation and stormwater management. Such difficulties are compounded by the lack of an effective mechanism for resolving conflicting agency demands.

There are also cases where state and local functions overlap. In areas such as protection of water resources, the coordination between the state and local agencies can be quite cumbersome. These should be well documented, and corrective actions identified through, for example, delegation or better program coordination.

I view this effort as a close partnership between the Planning Board and the Executive Branch. I envision the outcome to be concurred in by both the Planning Board and the County Executive, with joint "ownership" of the results. The Department of Environmental Protection will serve as the lead agency for the County. I have instructed Ted Graham to keep me fully apprised as the effort proceeds. This is one of my highest priorities and I look forward to excellent results.

Sincerely yours,

William H. Hussmann
Chief Administrative Officer

WHH:bjb

Attachment